

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

OGATA et al.

Serial No. 09/925,017

Filed: August 9, 2001

For: REDUCTION RESISTANT THERMISTOR, METHOD OF
PRODUCTION THEREOF, AND TEMPERATURE
SENSOR



Atty. Ref.: 461-55

Group: 1751

Examiner: VIJAYAKUMAR, K.

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November 24, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE OFFICE ACTION PURSUANT TO M.P.E.P. § 711.03**

In response to the Notice of Abandonment dated November 12, 2003, indicating that the above-identified patent application is abandoned because of a failure to timely pay the issue fee, it is respectfully submitted that applicant has not received any Notice of Allowance in connection with the above-identified patent application. Because Applicant never received the Notice of Allowance from the USPTO (or the Notice of Allowability), the issue fee was never paid. Accordingly, this petition to withdraw the alleged holding of abandonment is being filed pursuant to M.P.E.P. § 711.03(c)(II).

No Notice of Allowance has ever been received by Applicant; and a search of the file jacket and docket records for this file confirms that this Notice of Allowance was never received by Applicant. A copy of the relevant docket record for this application is attached hereto, clearly showing that no docket entry was ever made for the Notice of Allowance. If the Notice of Allowance would have been received, it would have been

listed on the attached docket record. It is noted that the final docket entry indicating that a Petition to Revive is due on December 1, 2003, was made after receiving the Notice of Abandonment.

Because Applicant never received the Notice of Allowance, it is respectfully requested that the alleged holding of abandonment be withdrawn pursuant to M.P.E.P. §711.03(c)(II) (*see* page 700-155 of February, 2003 edition of MPEP). It is also requested that the Notice of Allowance (together with any documents which may have accompanied it) be re-mailed (since Applicant still has not seen it) and a new date set for paying the issue fee.

It is believed that no fee is necessary, since the alleged holding of abandonment occurred due to no fault of the Applicant. However, if any fee is deemed necessary by the USPTO in connection with this petition, authorization is hereby given to charge any such fee(s) associated herewith to Deposit Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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